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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,170	10/22/2003	Brant L. Candelore	80398P558D	6531

8791 7590 11/21/2007  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER
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LASHLEY, LAUREL L

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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11/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/691,170

Applicant(s)

CANDELORE, BRANT L.

Examiner

Laurel Lashley

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

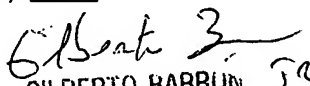
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-8, 23-25, 27 and 32-34.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
GILBERTO BARRUN Sr  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because:  
Applicant's arguments have been considered but are not persuasive, for reasons listed below:

**Applicant argues:**

It is Applicant's assertion that Pinder does not teach a first process block to decrypt a message using the unique key to produce a key, where the key is formed using a mating key generator.

**Examiner responds:**

Pinder discloses the process of a mating key generator where a key is encrypted then using this key and a second key to decrypt thereby recovering an encrypted second key in plain format (i.e.: "Ekpr(MSK)", "Emsk(CW)", and "Ecw(Service)") (see Figure 2B and associated text in col. 7: lines 4 - 16). Ferraro discloses the particulars of the mating key generator (see col. 1: Lines 16-23).

**Applicant argues:**

The Examiner has failed to provide any grounds for rejection of claim 4 and 34.

**Examiner responds:**

The Examiner acknowledges a typographical omission of the rejection for claim 4 but submits that the grounds for this rejection was made in the non-final office action and thus Applicant was granted the opportunity to address the Examiner's rationale for the rejection. Applicant's response was considered in view of claim 4's dependency on claim 1. Therefore claim 4, in view of claim 1 is rejected on similar grounds. As for claim 34, the Examiner points the Applicant's attention to page 5 of the Final Office Action where the Examiner has provided grounds for this rejection.

**Applicant argues:**

Applicant contends that Zhang does not disclose the descrambler IC with the second process being a finite state machine.

**Examiner responds:**

The Examiner observes that the Applicant's argument is against the references individually, and thus one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Taken in view of Pinder which discloses a descrambler IC, Zhang's disclosure of hardware which includes a processor implemented as a finite state machine specific to an IC (see col. 5: lines 55 - 60) ; thus the combination discloses Applicant's claim limitation.

**Applicant argues:**

Applicant respectfully submits that neither Pinder nor Zhang, alone or in combination, describes or suggests a first process block that is controlled by a non-CPU based state machine to decrypt a message, namely a mating key generator, using the unique key to produce a key.

**Examiner responds:**

Zhang discloses a first process block controlled by a non-CPU based state machine (col. 5: lines 57-59) to decrypt a message using the unique key to produce a key; a second process block controlled by a non-CPU based state machine (col. 5: lines 57-59) using the key to decrypt the encrypted descrambling key and to recover a descrambling key...

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to modify the method of Pinder to include a first process block controlled by a non-CPU based state machine to decrypt a message using the unique key to produce a key, and a second process block controlled by a non-CPU based state machine (col. 5: lines 57-59) using the key to decrypt the encrypted descrambling key and to recover a descrambling key, as taught by Zhang to improve protection scheme for broadcast signals or other transmitted information (col. 1: lines 40-43) to provide more flexible and versatile for switching equipment in the head-end of each cable system of a network of such system.

**Applicant argues:**

Applicant respectfully submits that neither Pinder, Alve nor Kocher, alone or in any combination, describes or suggests a first process block to encrypt a message using a unique, one-time programmable key to produce a first key as claimed.

**Examiner responds:**

The Examiner submits that it is Pinder that discloses a first process block to decrypt a message using a unique key to produce a first key (Fig. 2B, Items: 234, Ekpr(MSK), Kpr, and MSK indicate process block to decrypt a message using unique key to produce a key respectively). However, Pinder does not disclose the unique key is a one-time programmable value that cannot be read or overwritten once programmed. Alve, on the other hand, discloses a one-time programmable value that cannot be read or overwritten once programmed (Fig. 4: item 203 and 204).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to modify the method of Pinder to include such that the unique key is a one-time programmable value that cannot be read or overwritten once programmed, as taught by Alve to protect recorded content from illicit reproduction and distribution (col. 1, lines 27-28) to provide more flexible and versatile for switching equipment in the head-end of each cable system of a network of such system.

Any claims not specifically identified are further rejected on the grounds of their base claim. As such the Examiner maintains the rejection of claims 1 -8, 23-25,27, and 32-34 as in the final Office action mailed 09/27/07.